

**R. R. #3, Box 18  
Meshoppen, PA. 18630  
July 27, 2005**

**Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450  
Attn: Mr. Joseph F. Edell**

**RE: Non-Provisional Patent  
Appl. #10/758,918  
Filing Date 01/14/2004\*\*\*  
RESPONSE TO OFFICE  
COMM. - DATED 07/12/2005**

**Dear Mr. Edell:**

**This is in response to your office communication dated July 12, 2005. Enclosed are the claims with changes you requested.**

**In response to your rejection of Claims 1 - 10, I have included the original claims; I have created a separate Claims Listing and made the corrections you have indicated by striking them out with a line if they are to be deleted and underlined if they are to be added, and I have used the proper identifier in a parenthetical expression (Currently amended) next to each claim. I have also included the final amended claims. If you require further corrections, please advise. It is my hope that this amendment to claims now complies with the requirements of 37 CRF 1.121 (c).**

**I have also enclosed another Oath/declaration which identifies this application by application number and filing date and identifies the citizenship of the inventor.**

**Please note that it was not my intention to replace any of the drawings. I submitted the entire application last time which I assume was not necessary. I hope this is correct as I only included the substitute specifications in this response.**

**\*\*\*\*Please be reminded that you have a copy of the  
Provisional Patent Application in your possession  
Application Number 60/450,202 - Filing Date: 2/25/2003  
Name of Applicant: Barbara J. Bury  
Title of Invention: Rocking chair slipper**

**Please be reminded that in regard to your previous rejection (dated 1/12/2005) of claims 1-10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,817,666 to Blount and as per our phone discussion on February 17, 2005, wherein I pointed out that I had applied for a provisional patent on February 25, 2003, I believe this objection does not apply as said provisional patent predates the Blount Patent which was applied for on May 9, 2003.**

**I hope that all of your objections and requests have been fully satisfied.**

**Respectfully submitted,**

*Barbara J. Bury*  
**Barbara J. Bury**

**Cert:RRR 7004 0750 0001 6155 3127**

**Encls**

**Original claims**

**Claims listing with corrections**

**Final claims listing**

**New Oath/Declaration**

1. A rocking chair slipper for placing over the rocker foot (also referred to as rocker arm, runner, rocker) of a rocking chair to protect the floor. comprising:

means for an elastic strip that is attached all around the edge of the opening of the slipper to enable the slipper to stretch enough to fit over the rocker foot and then conform back to the shape of the rocker foot.;

means for fabric or ribbon strips eight inches in length attached to the opening of the slipper on both sides at two strategic points (one at 8 inches from the front corner and one 6 inches from the back corner of opening) to be tied into a bow around the rocker foot to keep the slipper in place., rigidly connected to said means for an elastic strip that is attached all around the edge of the opening of the slipper to enable the slipper to stretch enough to fit over the rocker foot and then conform back to the shape of the rocker foot.;

means for fabric must stretch all ways to expand to fit and conform to the shape and length of a

standard rocking chair rocker foot (also referred to as rocker arm or runner); and means for foam or other padding inserted between two layers of fabric on the bottom of the slipper to cushion the floor and rocker foot., rigidly connected to said means for fabric must stretch all ways to expand to fit and conform to the shape and length of a standard rocking chair rocker foot (also referred to as rocker arm or runner).

2. The rocking chair slipper in accordance with claim 1, wherein said means for an elastic strip that is attached all around the edge of the opening of the slipper to enable the slipper to stretch enough to fit over the rocker foot and then conform back to the shape of the rocker foot. comprises a Two pieces of 1/2" wide elastic measuring 20" in length. elastic strips.

3. The rocking chair slipper in accordance with claim 1,

wherein said means for fabric or ribbon strips eight inches in length attached to the opening of the slipper on both sides at two stragetic points (one at 8 inches from the front corner and one 6 inches from the back corner of opening) to be tied into a bow around the rocker foot to keep the slipper in place. comprises a Two eight inch lengths of ribbon or similar material fabric ties.

4. The rocking chair slipper in accordance with claim 1, wherein said means for fabric must stretch all ways to expand to fit and conform to the shape and length of a standard rocking chair rocker foot (also referred to as rocker arm or runner) comprises a Stretch fabric (4 way) 36" x 12" folded in half and sewn in such a manner to form a slipper. stretch fabric.

5. The rocking chair slipper in accordance with claim 1, wherein said means for foam or other padding inserted between two layers of fabric on the bottom of the slipper

to cushion the floor and rocker foot. comprises a Foam or other padding 1/2" thick by 2" wide by 30" long. padding.

6. A rocking chair slipper for placing over the rocker foot (also referred to as rocker arm, runner, rocker) of a rocking chair to protect the floor. comprising:

a Two pieces of 1/2" wide elastic measuring 20" in length. elastic strips, for an elastic strip that is attached all around the edge of the opening of the slipper to enable the slipper to stretch enough to fit over the rocker foot and then conform back to the shape of the rocker foot.;

a Two eight inch lengths of ribbon or similar material fabric ties, for fabric or ribbon strips eight inches in length attached to the opening of the slipper on both sides at two stragetic points (one at 8 inches from the front corner and one 6 inches from the back corner of opening) to be tied into a bow around the rocker foot to keep the slipper in place., rigidly connected to said elastic strips;

a Stretch fabric (4 way) 36" x 12" folded in half and sewn in such a manner to form a slipper. stretch fabric, for fabric must stretch all ways to expand to fit and conform to the shape and length of a standard rocking chair rocker foot (also referred to as rocker arm or runner); and

a Foam or other padding 1/2" thick by 2" wide by 30" long. padding, for foam or other padding inserted between two layers of fabric on the bottom of the slipper to cushion the floor and rocker foot., rigidly connected to said stretch fabric.

7. The rocking chair slipper as recited in claim 6, further comprising:

an Any decorative gathered trim such as lace. lace or other decorative trim, for a gathered lace or other trim attached to the opening of the slipper for decorative purposes., rigidly connected to said fabric ties, and rigidly connected to said stretch fabric.

8. The rocking chair slipper as recited in claim 6, further comprising:

a Ribbon or similar fabric tied into a bow and sewn on to the front of the slipper. bow, for this bow is for decorative purposes only.

9. The rocking chair slipper as recited in claim 7, further comprising:

a Ribbon or similar fabric tied into a bow and sewn on to the front of the slipper. bow, for this bow is for decorative purposes only.

10. A rocking chair slipper for placing over the rocker foot (also referred to as rocker arm, runner, rocker) of a rocking chair to protect the floor. comprising:

a Two pieces of 1/2" wide elastic measuring 20" in length. elastic strips, for an elastic strip that

is attached all around the edge of the opening of the slipper to enable the slipper to stretch enough to fit over the rocker foot and then conform back to the shape of the rocker foot.;

an Any decorative gathered trim such as lace. lace or other decorative trim, for a gathered lace or other trim attached to the opening of the slipper for decorative purposes.;

a Two eight inch lengths of ribbon or similar material fabric ties, for fabric or ribbon strips eight inches in length attached to the opening of the slipper on both sides at two stragetic points (one at 8 inches from the front corner and one 6 inches from the back corner of opening) to be tied into a bow around the rocker foot to keep the slipper in place., rigidly connected to said Lace or other decorative trim, and rigidly connected to said elastic strips;

a Ribbon or similar fabric tied into a bow and sewn on to the front of the slipper. bow, for this bow is for decorative purposes only.;

a Stretch fabric (4 way) 36" x 12" folded in

half and sewn in such a manner to form a slipper. stretch fabric, for fabric must stretch all ways to expand to fit and conform to the shape and length of a standard rocking chair rocker foot (also referred to as rocker arm or runner), rigidly connected to said Lace or other decorative trim; and

a Foam or other padding 1/2" thick by 2" wide by 30" long. padding, for foam or other padding inserted between two layers of fabric on the bottom of the slipper to cushion the floor and rocker foot., rigidly connected to said stretch fabric.



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/758,918

01/14/04

BURY, BARBARA

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EXAMINER

J. Edell

ART UNIT

PAPER

3631

07082005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-responsive Amendment

***Response to Amendment***

1. The amendment to the claims filed on 22 April 2005 does not comply with the requirements of 37 CFR 1.121(c) because the text of added subject matter must be shown by underlining the added text, the text of any deleted subject matter must be shown by strike-through, and amendments to the claims with markings to indicate the changes that have been made relative to the *immediate prior version* of the claims, i.e. the claims of filed 14 January 2004. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall

include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

2. The substitute specification filed 22 April 2005 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because:

- a. the statement as to a lack of new matter under 37 CFR 1.125(b) is missing;
- b. a clean copy of the substitute specification has not been supplied (in addition to the marked-up copy)--

3. It appears that the applicant is attempting to submitted new Figures 6-12. Please review the information on how to effect drawing changes.

### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the

filings date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the citizenship of each inventor. For example, if the inventor is a citizen of the United States, the inventor's citizenship should be identified as USA.

5. Since the reply filed on 22 April 2005 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600



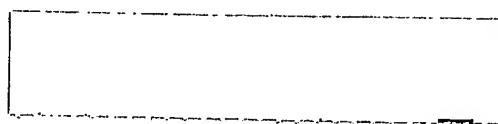
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,918	01/14/2004	Barbara Jean Bury		7050
7590	07/12/2005		EXAMINER	
BARBARA J. BURY RR # 3 BOX 18 MESHPOPEN, PA 18630			EDELL, JOSEPH F	
		ART UNIT	PAPER NUMBER	3636
		DATE MAILED: 07/12/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

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Attn: Mr. Joseph F. Coddell



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